Remarks/Comments

Drawings

The examiner has objected to the drawings under 37 CFR 1.83(a) and has asserted that the drawings fail to show the alternative "user can select template from a template library" and referenced page 16 lines 1-10 and Figure 4 step 156. Accordingly, the examiner's attention is drawn to Fig. 3, element 109 labeled "Template Library" and page 15, lines 1-4 which recites "To process the information sources the universal parsing agent downloads a template from the template library 109. The template may have previously been generated and is selected by the user from a template library, or the template may be generated by the user from one or more documents."

Accordingly, the applicant believes that the limitation that the "user can select template from a template library" is shown in the drawings as filed, as the drawing indisputably shows a "template library" and the accompanying description unambiguously describes the step of "selecting" a template from the shown element. Accordingly, the applicant respectfully requests that the examiner withdraw her objection to the drawings. In the alternative, the undersigned respectfully requests that the examiner provide an explanation of how the "template library" the examiner asserts is missing differs from the "template library" shown in Figure 3, to allow the applicant to better identify and correct any deficiency the examiner believes exists in the drawings.

35 USC 101

The examiner has rejected claims 15-22 and 31 under 35 USC 101, and has alleged that the claimed invention is directed to non-statutory subject matter. In support of this rejection, the examiner recites that "regarding claims 15-22 and 31, the specification defines the

"computer readable medium" to include signal bearing transmission/communication media, and this type of medium is non-statutory" noting page 13 lines 4-18 of the disclosure.

The examiner's position is not supported by the law or the MPEP. As set forth at MPEP 2106.01, "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized."

The applicant's disclosure recites a variety of "computer-readable media" including CD-ROMs, DVDs, hard drives, and magnetic tape. The portion of the specification that the examiner has singled out for objection reads "other suitable signal bearing media including transmission media such as digital and analog communication links." The examiner provides no explanation of why these types of media are "non-statutory" and other types of media are, but it is plain that ANY type of media is statutory if the "functional descriptive material" imparted to the media consists of data structures and computer programs which impart functionality when employed as a computer component.

The critical distinction is described in the MPEP at at MPEP 2106.01 (I) as follows:

> computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's

functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly, it is important to distinguish claims that define descriptive material *per se* from claims that define statutory inventions.

Accordingly, determinations of statutory subject matter do not turn on the type of media utilized to encode a computer program. Rather, they turn on the "functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized."

Claim 15 recites

15. A computer readable medium having computer-executable instructions for performing a method for extracting and converting data from one or more information sources into a common format, comprising:

receiving said information sources;

receiving at least one pattern descriptor selected from a graphical user interface;

receiving one or more templates, each of said templates having said at least one pattern descriptor;

applying said one or more templates to said information sources;

generating said data in said common format by parsing said information sources with said one or more templates; and

storing said data in said common format.

Accordingly, it is plain that claim 15 meets the Lowry standard for statutory subject matter, because claim 15 claims a "computer-readable medium encoded with a computer program" (A computer readable medium having computer-executable instructions ) and because claim 15 "defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized." (a method for extracting and converting data from one or more information sources

into a common format). Claims 16-22 and 31 also meet the Lowry standard, as they all depend from claim 15, and thus contain the same limitations by virtue of dependency.

The undersigned further notes that the Final Examination Guidelines for Computer-Implemented Inventions, 61 Fed. Reg. 7478, USPTO (28 Feb. 1996) provides that certain "safe harbors" are available for statutory subject matter. Included in this discussion of "safe harbors" is the example of

> A computerized method of optimally controlling transfer, storage and retrieval of data between cache and hard disk storage devices such that the most frequently used data is readily available.

The present invention claimed in claim 15 falls within the "safe harbor" because, like the example given above, claim 15 defines a computerized method that optimizes the storage of data in a common format.

Accordingly, the applicant respectfully requests that the examiner withdraw her rejection of claims 15-22 and 31 as being non-statutory subject matter. In the alternative, the undersigned respectfully requests that the examiner provide some authority for the proposition that the determination of statutory subject matter in computer software related cases turns upon the type of media used to store a computer program.

35 USC 112

The examiner has rejected claims 1-22 and 29-31 under 35 USC 112, second paragraph, and has asserted that the claims are incomplete for omitting an essential elements. Specifically, the examiner has asserted that the claims in question omit the universal parsing agent. The undersigned notes that the proper basis for rejection for omitting an essential element would be under 35 USC 112, first paragraph, as not enabling. See *In re Mayhew*, 527

F.2d 1229, 188 USPQ 356 (CCPA 1976). In any event, it is clear that the "universal parsing agent" that the examiner alleges is missing from the claims is, in fact, plainly set forth.

The examiner's attention is drawn to the description of FIG. 4 at page 6, line 7, wherein the specification recites:

FIG. 4 is a flowchart of the processes performed by the universal parsing agent.

By comparing the flowchart of FIG. 4 and the limitations of claim 1, it becomes plain that the each and every step of the universal parsing agent is set forth as a limitation of claim 1. Having set forth all of the elements that define the universal parsing agent in the specification in the claim, it is inherent the universal parsing agent is in the claim. Just as a claim that sets forth "four legs, a seat, and back" is not missing an essential element simply because it doesn't say the word "chair," the present invention as claimed is not missing the essential element of a "uniform parsing agent," since the claims set forth all of the elements of the "uniform parsing agent."

Accordingly, the applicant has met the requirement of both 35 USC 112, first paragraph and 35 USC 112, second paragraph because all of the elements that make up the universal parsing agent are present in the claim. The applicant respectfully requests that the examiner withdraw her rejection of claims 1-22 and 29-31 under 35 USC 112, second paragraph.

35 USC 102

The examiner has rejected claims 1-7, 9-13, 15-21, and 29-31 under 35 USC 102(b) as being anticipated by Webber, US Patent No. 5,909,570. The examiner's position is not well founded, however, because while Webber is solving the same type of problem as the present invention, the specific problem Webber solves is much more narrow than the problem solved

by the present invention, and the approach used by Webber is fundamentally different than the present invention.

The main difference between the problem addressed by Webber and the problem addressed by the present invention is that the Webber is concerned with translating data between a first, pre-defined format which is recognized by the Webber system, into a second format, which is also pre-defined and recognized by the Webber system, yet which is dissimilar from the first format. In contrast, the present invention is directed towards translating multiple data sets that include data sets that are NOT pre-defined or recognized by the system into a common format. As a result of the differences between these two problems, the present invention is compelled to take a decidedly different approach than that taken by Webber, because the approach taken by Webber would not work for translating data sets whose structures were not pre-defined and already recognized by the Webber system.

In Webber, the template mapping system does not need to be configured using a pattern descriptor, because the Webber method is configured in advance to recognize the patterns in the data structures of the data used as input to Webber. Accordingly, Webber simply accesses the table field layouts from the sending computer, which are then dynamically input into the template mapping system. While this limits the types of data structures that can be input into the Webber system, no intervention from the graphical user interface is required. Because the first computer in Webber is already configured to recognize the data structures given as input, the Webber system automatically configures the template mapping system with no input from a user. As stated by Webber:

> The table field layouts 40 are typically supplied by the sending computer and are dynamically input to the template mapping system 10 for use in processing the input dataset. The table field layouts 40 describe the names and maximum sizes of the various fields (in bytes) for each table. FIG. 3 is a diagram showing the general components of a table field layout (at left) mapped to an actual exemplary table field

layout (at right). The table field layout is for a manifest history and manifest summary dataset.

In contrast, the present invention is configured to be able to handle patterns in the data structures that are NOT already known (or "manifest" to use the language of Webber). The drawback of the present invention, when compared to Webber, is that the unlike Webber, the present invention does not generate the template mapping system with no input from the user. The advantage of the present invention, when compared to Webber, is that the present invention is able to translate a much broader range of data into a common format, because the pattern descriptor is received from a graphical user interface. It is for this reason that claim 1 of the present invention includes the step of "receiving at least one pattern descriptor selected from a graphical user interface," and this step distinguishes the present invention from Webber.

The examiner cites the language "field descriptions 400" at col. 7, lines 9-38 of Webber as disclosing the step of "receiving at least one pattern descriptor selected from a graphical user interface," however it is plain that the "field descriptions" described by Webber are not input using a graphical user interface. As stated by Webber,

"The table field layout is for a manifest history and manifest summary dataset"

and

The table definition 150 comprises three components: 1) comments and notes 200 (optional); 2) a table description 300; and 3) field descriptions 400 which provide details of fields within that table. The table definition 150 can be repeated for as many tables as required...

The field descriptions 400 include the field identifier (column 1), the field names (column 2), size (column 3), data format (column 4), and justification parameters

(column 5) which may be needed by the mapping process to determine the physical format of the table.

Accordingly, the limitation of "receiving at least one pattern descriptor selected from a graphical user interface," which is required by claims 1, 9, 15, and all remaining claims by virtue of dependency is simply not present in the Webber disclosure. Since it is axiomatic that a proper rejection under 35 U.S.C. 102(e) must contain each and every limitation of the claim, ("[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration" W.L. Gore & Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983), the Webber reference cannot support a prima facie showing of obviousness under 35 USC 102(b). Accordingly, the applicant respectfully requests that the examiner remove her rejection of claims 1-7, 9-13, 15-21, and 29-31 as being anticipated by Webber, US Patent No. 5,909,570 under 35 USC 102(b).

35 USC 103

The examiner has rejected claims 8, 14 and 22 under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018. The examiner's position is not well founded, however, because Lennon does not provide the teaching of "receiving at least one pattern descriptor selected from a graphical user interface," that is missing from Webber. Further, the Lennon reference describes a method for browsing electronically-accessible resources using descriptions of the resources, wherein the descriptions of the resources have descriptor components. As such, the Lennon reference has absolutely nothing whatsoever to do with extracting and converting data from one or more information sources into a common format, and the data for which Lennon teaches that the representation values for many descriptors can be complex datatypes that can be represented in a hierarchical fashion has nothing whatsoever to do with storing said data in a common format in a storage bin, as required by the limitations of claims 8, 14 and 22.

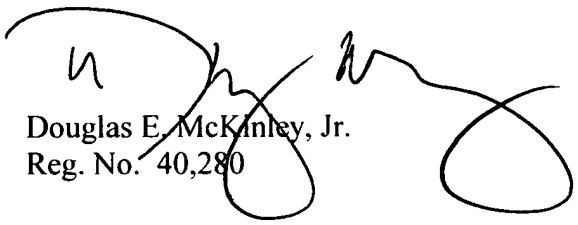
Accordingly, the Webber and Lennon references cannot possibly form a prima facie case of obviousness, because the Webber and Lennon references do not teach all the claimed elements of claims 8, 14 and 22. Further, even if the Webber and Lennon references did teach all the claimed elements, the examiner has not and cannot show that a skilled artisan could have combined the elements as claimed by known methods with no change in their respective functions. At a very minimum, the examiner would have to show that a skilled artisan could have used the bins taught in Lennon in the method taught in Webber, but to do so would have changed the function of the bins. Further, the examiner has not and cannot make a factual finding that that the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention, because the substitution of the bins of Lennon into the system of Webber would not have produced the result of the present invention.

The applicant therefore respectfully requests that the examiner remove her rejection of claims 8, 14 and 22 under 35 USC 103(a) as being obvious over Webber, US Patent No. 5,909,570 in view of Lennon, US Patent No. 7,287,018.

Conclusion

The applicant has made a good faith attempt to place the application and claims in condition for allowance, and action towards that end is hereby requested. The examiner is invited to contact the undersigned should the examiner have any questions or comments.

Respectfully submitted,



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The undersigned hereby certifies that the forgoing Amendment responsive to the Office Action of December 11, 2007 and return postcard are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to

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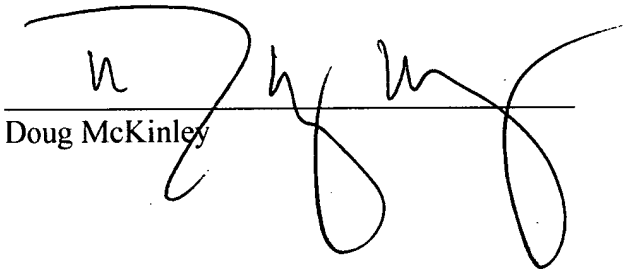

Doug McKinley

3/11/2008
Date